

**DEPARTMENT OF JUSTICE
SB 140: Continuing Montana's
Domestic Violence Fatality Review Commission**

Background

Since 2000, 48 fatal domestic violence incidents have claimed the lives of 82 people, including six children.

The 2003 Legislature created Montana's Domestic Violence Fatality Review Commission. The Commission is charged with reviewing homicides caused by family violence in communities throughout the state. In structure and purpose, the Commission is similar to the state's infant and child mortality review teams.

The Commission's 17 members include victim advocates, district and limited-court judges, a batterers' treatment provider, prosecutors, a chaplain, local and federal law enforcement, Child Protective Services specialists, a psychiatrist, a tribal representative, an educator and a sexual assault nurse examiner. During a review, these individuals work with their counterparts in the community in which the domestic homicide occurred.

Fatality Reviews

The Commission has completed 12 reviews since May 2003 in both rural and urban communities across the state.

During the review process, the Commission evaluates services provided to the victim.

- What agencies had contact with the victim?
- What agencies had contact with the offender?
- Were the agencies involved communicating with each other?
- What agencies could have provided services but were never contacted by the victim?

The review is not meant to identify an individual or agency as responsible for the deaths. The Commission's goals are to find out where the safety net failed in each case, to look for trends in the failure of the social service system, and to work toward improving the system we use to protect battered women and children.

The Commission has published three reports presenting its findings to the 2005, 2007 and 2009 Legislatures. A number of the Commission's recommendations have been implemented. For example, based on the Commission's first report, the 2005 Legislature enacted SB 452 which created automatic "no contact" orders at the time of arrest for partner or family member assault. In any jurisdiction with an appropriate standing order, an offender is prohibited from making contact with the victim until after an initial court appearance.

All three Commission reports have recommended requiring mandatory fingerprinting for certain misdemeanor offenses – like domestic violence, stalking and violating an order of protection. While these offenses are initially considered misdemeanors, upon repeat convictions, they become felonies, with progressively stiffer penalties. For example, a third or subsequent conviction for partner/family member assault is a felony. However, without a record of prior convictions in the state repository, offenses that should be prosecuted as felonies are treated as misdemeanors. Based on the Commission's recommendation, the Department has proposed SB 139, which would amend 44-5-206 MCA to require law enforcement to photograph and fingerprint offenders convicted of these types of cumulative offenses.

Conclusion

Unfortunately, the need for the Commission has not lessened in the past two years. Indeed, domestic violence deaths in Montana were up almost 60 percent from the prior biennium. The past year has been the deadliest since the Commission began its work.

In the final six months of 2008:

- Janeal Morris of Arlee was killed by her boyfriend. The man injured a police officer, and then killed himself during a standoff with law enforcement.
- Catherine Woods was shot in a parking lot in Miles City as she attempted to flee an ex-boyfriend, who later shot himself.
- Andrew Robinson was stabbed by his girlfriend at their home in Wolf Point. The woman, Doran Flynn, has been charged with murder in Fort Peck tribal court.

The ultimate goal of the Commission's work – preventing further deaths – remains urgent. SB 140 would remove the sunset date specified in 2-15-2017, MCA, and allow the Commission to continue its important work.

The Commission's work is funded by a federal grant through the Violence Against Women Act.

2009 Legislature
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